

REMARKS

Reconsideration and allowance of the subject application are respectfully requested. Applicants thank the Examiner for total consideration given the present application. Claims 1-15 were pending prior to the Office Action. Claim 16 has been added through this reply. Claims 4-15 have been canceled without prejudice or disclaimer of the subject matter included therein. Therefore, claims 1-3 and 16 are pending. Claim 1 is independent. Applicants respectfully request reconsideration of the rejected claims in light of the remarks presented herein, and earnestly seeks a timely allowance of all pending claims.

Translations for JP 54123749 and JP 54127769

Applicants have attached English language translations (JP 54123749 and JP 54127769) as a courtesy. In the Interview Summary dated January 30, 2009, the Examiner agreed to have the non-English publications officially translated. The Examiner is requested to provide the official English translations of the non-English publications. However, as a courtesy, Applicants have attached partial English language translations for the publications JP 54123749 and JP 54127769.

Claim Rejection - 35 U.S.C. § 102(b)

Claim 1 stands rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by JP 54-127769 (hereinafter 'JP7769'). Applicants respectfully traverse this rejection.

For a Section 102 rejection to be proper, the cited reference must teach or suggest each and every claimed element. *See M.P.E.P. 2131; M.P.E.P. 706.02*. Thus, if the cited reference fails to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

In this instance, JP7769 fails to teach or suggest each and every claimed element.

Argument: Features of claim 1 are not taught by JP7769:

Applicants have amended independent claim 1 merely to further clarify the invention in order to move prosecution forward. Claim 1 as amended recites, *inter alia*, “a control device that switches amounts of generated heat by either feeding electric power to one of the steam generating heater and the vapor heating heater or feeding electric power to both of the steam generating heater and the vapor heating heater, wherein the control device generates the superheated steam of different temperatures by either controlling the feeding of electric power so that the vapor heating heater generates a larger amount of heat than the steam generating heater while the steam generating heater is generating heat or controlling the feeding of electric power so that the steam generating heater generates a larger amount of heat than the vapor heating heater while the vapor heating heater is generating heat, and under a condition that total electric power consumption by the steam generating heater and the vapor heating heater does not exceed a predetermined value.” *Emphasis added.*

JP7769 merely discloses a cooking apparatus having a magnetron (element 7) and two heaters (elements 17 and 22). JP7769 also discloses that the cooking apparatus may perform high-frequency-wave cooking alone, may combine the use of the high-frequency-wave cooking with the heater (element 17), may combine the use of the high-frequency-wave cooking with the heater (element 22), or may combine the use of the high-frequency-wave cooking with both heaters (elements 17 and 22).

However, contrary to the claimed apparatus, JP7769 does not explicitly disclose a control device generates superheated steam of different temperatures by either controlling the feeding of electric power so that a vapor heating heater generates a larger amount of heat than a steam generating heater while the steam generating heater is generating heat or controlling the feeding of electric power so that the steam generating heater generates a larger amount of heat than the vapor heating heater while the vapor heating heater is generating heat, and under a condition that total electric power consumption by the steam generating heater and the vapor heating heater does not exceed a predetermined value

Claim 1 is submitted to be allowable over JP7769 for at least this reason.

New dependent claim 16 is allowable for the reasons set forth above with regards to claim 1 at least based on their dependency on claim 1.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claim 1 under 35 U.S.C. § 102(b).

Reconsideration and allowance of claim 1 is respectfully requested for at least these reasons.

Claim Rejection - 35 U.S.C. § 103(a)

Claims 2-3 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over JP7769 in view of JP 54-123749 (hereinafter 'JP3749'). Applicants respectfully traverse this rejection.

Dependent claims 2-3 are allowable for the reasons set forth above with regards to claim 1 at least based on their dependency on claim 1.

Conclusion

Therefore, for at least these reasons, claims 1-3 and 16 are believed to be distinguishable over JP7769. Therefore, claims 1-3 and 16 are distinguishable over the cited references.

In view of the above remarks and amendments, it is believed that the pending application is in condition for allowance.

Applicants respectfully request that the pending application be allowed.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Aslan Ettehadieh Reg. No. 62,278 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Application No. 10/593,234
Amendment dated March 31, 2009
Reply to Office Action of December 31, 2008

Docket No.: 2936-0284PUS1

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: March 31, 2009

Respectfully submitted

By 

Michael R. Cammarata

Registration No.: 39,491

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant

Cammarata
#52307